

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)	
)	
IFCO ICS-Chicago, Inc.)	NOTICE OF VIOLATION
Chicago, Illinois)	
)	EPA-5-02-IL-05
)	
Proceedings Pursuant to)	
Section 113(a)(1) of the)	
Clean Air Act, 42 U.S.C.)	
§ 7413(a)(1))	

NOTICE OF VIOLATION

The Administrator of the United States Environmental Protection Agency (U.S. EPA) is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1) (the Act). U.S. EPA finds that IFCO ICS-Chicago, Inc. (IFCO) is violating the Illinois State Implementation Plan (SIP) and its Illinois Title 5 Clean Air Act Permit Program (CAAPP) permit, as follows:

Statutory and Regulatory Background

1. On March 7, 1995, U.S. EPA gave the Illinois Title 5 Clean Air Act Permit Program (CAAPP) interim approval as a 40 C.F.R. Part 70 permit program under the authority of Section 502 of the Act, 42 U.S.C. § 7661(a) (60 Fed. Reg. 12478). On December 4, 2001, U.S. EPA gave the Illinois Title 5 CAAPP final approval as a 40 C.F.R. Part 70 permit program (66 Fed. Reg. 62946). The regulation at 40 C.F.R. § 70.6(b)(1) specifies that all terms and conditions in a permit issued under a Part 70 program are enforceable by U.S. EPA under the Act.
2. On September 9, 1994, U.S. EPA approved 35 Ill. Admin. Code Part 218, Subpart F (Coating Operations) as part of the federally enforceable volatile organic material (VOM) emissions SIP for Illinois (59 Fed. Reg. 46562). On February 13, 1996, U.S. EPA approved a SIP revision request to tighten the existing rules for certain surface coating operations at 35 Ill. Admin. Code Part 218, Subpart F (61 Fed. Reg. 5511). These rules became effective April 15, 1996.

3. 35 Ill. Admin. Code § 218.204 (Subpart F), and Condition 7.1.3.e. of IFCO's Title 5 CAAPP permit, require that no owner or operator of a coating line shall apply any coating in which the VOM content exceeds the following limitations, as applied:
 - miscellaneous metal parts and products coating,
extreme performance coatings baked:
3.3 lb VOM/gal of coating (minus water and
any compounds which are specifically exempted
from the definition of VOM).
4. 35 Ill. Admin. Code § 218.211(a) (Subpart F), and Condition 7.1.7 of IFCO's Title 5 CAAPP permit require that the VOM content of each coating shall be determined by the applicable test methods and procedures specified in 35 Ill. Admin. Code § 218.105 (U.S. EPA Reference Methods 24 and 24A of 40 C.F.R. Part 60, Appendix A) to establish the required records.
5. On October 21, 1996, U.S. EPA approved 35 Ill. Admin. Code Part 218, Subpart PP (Miscellaneous Fabricated Product Manufacturing Processes), as part of the federally enforceable VOM SIP for Illinois (61 Fed. Reg. 54556). The rule became effective November 20, 1996.
6. On October 21, 1996, U.S. EPA approved 35 Ill. Admin. Code Part 218, Subpart UU (Recordkeeping and Reporting), as part of the federally enforceable VOM SIP for Illinois (61 Fed. Reg. 54556). The rule contains recordkeeping and reporting requirements pertaining to sources subject to 35 Ill. Admin. Code Part 218, Subparts PP and TT. The rule became effective November 20, 1996.
7. 35 Ill. Admin. Code § 218.991(b) (Subpart UU), and Condition 7.2.9 of IFCO's Title 5 CAAPP permit, require that IFCO collect and record all of the following information each day for each lid gasket glue line and maintain the information at the source:
 - i. The name and identification number of each coating as applied on each coating line;
 - ii. The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line; and
 - iii. The daily-weighted average VOM content of all coatings as applied on each coating line.

8. On October 21, 1996, U.S. EPA approved 35 Ill. Admin. Code Part 218, Subpart TT (Other Emission Units) as part of the federally enforceable VOM SIP for Illinois (61 Fed. Reg. 54556). The rule became effective November 20, 1996.
9. 35 Ill. Admin. Code § 218.988 (Subpart TT) and 35 Ill. Admin. Code § 218.991(a)(4) (Subpart UU) require that when U.S. EPA or IEPA believes it is necessary to conduct testing to demonstrate compliance with 35 Ill. Admin. Code § 218.986 (Subpart TT), the owner or operator of the VOM emission unit subject to the requirements of Subpart TT shall conduct such tests in accordance with the applicable test methods and procedures.
10. IFCO's Title 5 CAAPP permit, Condition 7.3.9 requires that IFCO maintain the following records: monthly and aggregate annual particulate matter (PM) and VOM emissions from the affected furnaces based on the number of drums and lids/pails cleaned and the applicable emission factors, with supporting calculations.
11. On May 31, 1972, U.S. EPA approved Illinois PCB Rules 101 and 102, as part of the Illinois SIP. Due to re-codification, Illinois PCB Rules 101 and 102 are currently set forth at 35 Ill. Admin. Code §§ 201.102 and 201.141, respectively.
12. Illinois PCB Rule 102 (35 Ill. Admin. Code § 201.141) requires that no person cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as, either alone or in combination with contaminants from other sources, to cause or tend to cause air pollution in Illinois, or so as to violate air pollution regulations.
13. Illinois PCB Rule 101 (35 Ill. Admin. Code § 201.102) defines air pollution as the presence in the atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

IFCO's Facility

14. IFCO owns and operates a drum reconditioning facility at 2300 West 13th Street, Chicago, Illinois.

15. On March 23, 2000, Illinois EPA issued IFCO (then known as Palex Container Systems) a Title 5 CAAPP permit under the Illinois Part 70 program for IFCO's facility located at 2300 West 13th Street, Chicago, Illinois.
16. Emissions from IFCO's coating lines are subject to 35 Ill. Admin. Code Part 218, Subpart F in the Illinois SIP and the Title 5 permit issued to IFCO on March 23, 2000.
17. Emissions from IFCO's lid gasket adhesive operation are subject to 35 Ill. Admin. Code Part 218, Subparts PP and UU in the Illinois SIP and the Title 5 permit issued to IFCO on March 23, 2000.
18. Emissions from IFCO's drum furnace operation are subject to 35 Ill. Admin. Code Part 218, Subparts TT and UU in the Illinois SIP and the Title 5 permit issued to IFCO on March 23, 2000.
19. On March 1, 2001, U.S. EPA inspected the IFCO facility. On March 17, 2001, IFCO submitted to U.S. EPA information requested by U.S. EPA during the inspection pursuant to Section 114 of the Act, 42 U.S.C. § 7414.
20. On August 27, 2001, U.S. EPA issued a Request for Information requiring IFCO to conduct VOM capture and destruction efficiency testing under 35 Ill. Admin. Code §§ 218.988 and 218.991(a)(4) on the drum furnace operation to determine compliance with 35 Ill. Admin. Code § 218.986.

Violations

21. IFCO has applied the following miscellaneous metal parts and products coating (extreme performance baked) which has a VOM content exceeding the limitation of 3.3 lb VOM/gal of coating (minus water and any compounds which are specifically exempted from the definition of VOM), in violation of 35 Ill. Admin. Code § 218.204 and Condition 7.1.3.e. of IFCO's Title 5 CAAPP permit:

 Sherwin Williams D & L Water Base (.5880):
 3.49 lb/gal
22. IFCO has failed to determine the VOM content of the following coatings by the applicable test methods and procedures (i.e., 40 C.F.R. Part 60, Appendix A Method 24 or 24A), in violation of 35 Ill. Admin. Code § 218.211(a) and


Condition 7.1.7 of IFCO's Title 5 CAAPP permit:

Sherwin Williams D & L Water Base (.5880)
Fed-R/F H/S (R1854)
Mor-H/S BR Phenolic (105R35)
Van Strattan D & L Water Base (.6019)

23. IFCO has failed to collect and record all of the following information each day for each lid gasket glue line and maintain the information at the source, in violation of 35 Ill. Admin. Code § 218.991(b) and Condition 7.2.9 of IFCO's Title 5 CAAPP permit:
 - i. The name and identification number of each coating as applied on each coating line;
 - ii. The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line; and
 - iii. The daily-weighted average VOM content of all coatings as applied on each coating line.
24. IFCO failed to conduct VOM capture and destruction efficiency testing on the drum furnace operation facility when requested under 35 Ill. Admin. Code §§ 218.988 and 218.991(a)(4) in U.S. EPA's Request for Information issued on August 27, 2001 in violation of 35 Ill. Admin. Code § 218.988.
25. During the March 1, 2001 inspection, IFCO did not have the following records: monthly and aggregate annual VOM emissions from the affected furnaces based on the number of drums and lids/pails cleaned and the applicable emission factors, with supporting calculations, in violation of the Title 5 permit, Condition 7.3.9.

26. IFCO has allowed the emission of VOM and odors into the environment in sufficient quantities and of such characteristics and duration as to unreasonably interfere with the enjoyment of life or property, in violation of Illinois PCB Rule 102 (35 Ill. Admin. Code § 201.141).

1-28-02
Date



Bharat Mathur, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Notice of Violation, No. EPA-5-02-IL-05 by Certified Mail, Return Receipt Requested, to:

Mr. Robert Conway
Regional Manager
IFCO-ICS-Chicago, Inc.
2300 West 13th Street
Chicago, Illinois 60608

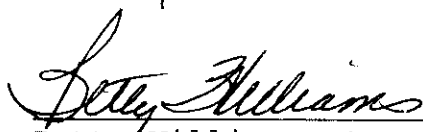
I also certify that I sent copies of the Finding of Violation by first class mail to:

Julie Armitage, Acting Manager
Compliance and Enforcement Section
Illinois Environmental Protection Agency
1021 North Grand Avenue
Springfield, Illinois 62702

Harish Narayen, Acting Regional Manager
Region 1
Illinois Environmental Protection Agency
9511 West Harrison Street
Des Plaines, IL 60016

Marcia Jimenez, Acting Commissioner
City of Chicago Department of Environment
30 North LaSalle Street, 25th Floor
Chicago, Illinois 60602

on the 29th day of January, 2002.


Betty Williams, Secretary
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70993400000095977010